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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,922	01/31/2005	Hiroshi Oota	260971US6PCT	6635
22850 7590 03/15/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER EKPO, NNIENNA NGOZI				
ART UNIT 2425		PAPER NUMBER		
NOTIFICATION DATE 03/15/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/522,922

Applicant(s)

OOTA, HIROSHI

Examiner

NNENNA N. EKPO

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 10-15, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7-9 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 10-15, 20, 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-506)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/01/2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-6, 10-15, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-6, 10-15 and 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (U.S. Patent No. 5,907,322) in view of Hsu (U.S. Patent No. 6,195,692).

Regarding **claims 1, 10, 11, 20 and 21**, Kelly et al. discloses a receiving apparatus which can switch and receive a plurality of stream data, comprising:

a stream data server for reproducing and transmitting the stream data (see fig. 1 (30));

reproducing means for reproducing the received stream data (see fig. 1 (34));

switching means for switching an input between an input from said reproducing means (TV) and another input (website/internet) (see col. 3, lines 51-55) ;

communicating means for communicating with an external transmitting source of said stream data, each external transmitting source having a URL (see col. 1, lines 32-51);

history storing means (activity table) for storing the URL of the external transmitting source of the stream data (see col. 1, lines 54-67) and a stop point for each stream data that is stopped (see col. 2, lines 66-col. 3, lines 1-28); and

stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data, said stream switching means reading the stop point of the second stream data from the history storing means and then accessing the second stream data from a corresponding external transmitting source from the stop point of the second stream data (see col. 2, lines 36-col. 6, line 2, a user can switch between two input streams by stopping or pausing or book-marking a first stream and then switching to another stream where the

user can also stop, pause or book-mark that stream and when the user switches back to the first stream, the user can resume from where they stopped),

said stream switching means including means for switching which switches between a television channel and stream data, the first stream data and the second stream data, and a first television channel and a second television channel with a single operation as if switching between two television channels (see col. 2, lines 36-col. 6, line 2, a user can switch between a television channel and the internet with a designated button on the remote control),

wherein in the case where said input is switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means, a stop request to stop transmission of said stream data is transmitted to the transmitting source of said stream data by said communicating means and the history storing means stores the URL of the transmitting source of the stream data and the stop point for the stream data that is stopped (see col. 2, lines 37-col. 3, line 4), and

in the case where said input is switched again from said another input to an output from said reproducing means by said switching means, said communicating means obtains the stop point for the stream data and the URL of the transmitting source of the stream data from the history storing means and issues a start request to start the reproduction of said stream data from the stop point to said transmitting source of said stream data (see col. 3, lines 4-50).

In an analogous art, Hsu discloses said stream switching means including means for switching which switches between a television channel and stream data, with a single operation as if switching between two television channels (see col. 2, lines 46-col. 3, line 17, col. 9, lines 24-48 and col. 12, lines 4-9, a user can switch between a television channel and the internet with a designated button on the remote control).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Kelly et al. to include stream switching means including means for switching which switches between a television channel and stream data, with a single operation as if switching between two television channels as taught by Hsu for the advantage of easily maneuvering through the desired channels.

Regarding **claims 3 and 12**, Kelly et al. and Hsu disclose everything claimed as applied above (*see claims 1 and 11*). Kelly et al. discloses wherein the reception of the stream data and the transmission of said stop request or said start request are executed by different communicating means (see col. 2, lines 36-51).

Regarding **claims 5 and 14**, Kelly et al. and Hsu disclose everything claimed as applied above (*see claims 1 and 11*). Kelly et al. discloses wherein in the case of transmitting said start request, information of said transmitting source is transmitted together with said start request (see col. 3, lines 11-28).

Regarding **claims 6 and 15**, Kelly et al. and Hsu disclose everything claimed as applied above (*see claims 1 and 11*). Kelly et al. discloses wherein in the case of transmitting said start request, information showing the stream data is transmitted together with said start request (see col. 3, lines 11-28).

4. **Claims 4 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (U.S. Patent No. 5,907,322) and Hsu (U.S. Patent No. 6,195,692) as applied to claims 1 and 11 above, and further in view of Novak et al. (U.S. Patent No. 7,320,137).

Regarding **claims 4 and 13**, Kelly et al. and Hsu disclose everything claimed as applied above (*see claims 1 and 11*). Kelly et al. discloses wherein in the case of transmitting said start request, a postal code of the viewer's location of said receiving apparatus is transmitted together with said start request (see col. 2, lines 66-col. 3, line 11).

However, Kelly et al. and Hsu fail to specifically disclose wherein in the case of transmitting said start request, an address of said receiving apparatus is transmitted together with said start request.

In an analogous art, Novak et al. discloses wherein in the case of transmitting said start request, an address of said receiving apparatus is transmitted together with said start request (see col. 3, lines 45-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the systems and methods of Kelly et al. and

Hsu to include wherein in the case of transmitting said start request, an address of said receiving apparatus is transmitted together with said start request as taught by Novak et al. for the advantage of transmitting the correct video signal to the appropriate receiver.

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vasilevsky et al. (U.S. Publication No. 2005/0166258) discloses a system will allows system users to not only access the same program or programs from different receivers, but to pause and resume the same program from the same marker point (see abstract).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna Ekpo/
Patent Examiner, Art Unit 2425
March 4, 2010.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425